

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

STEELCASE INC., a Michigan
corporation,

Plaintiff,

v.

HARBIN'S, INC., an Alabama
corporation, MICHAEL G. HARBIN,
and HOPE D. HARBIN PATTERSON,

Defendants.

Case No. 1:04CV00026

Honorable Robert Holmes Bell
Chief, U.S. District Judge

**PLAINTIFF STEELCASE INC.'S MOTION FOR LEAVE TO FILE REPLY BRIEF
IN SUPPORT OF ITS MOTION FOR SUMMARY JUDGMENT ON PLAINTIFF'S
CLAIM OF PIERCING THE CORPORATE VEIL**

Plaintiff, Steelcase Inc., by its attorneys, Miller Johnson, hereby moves the Court for leave to file Plaintiff Steelcase Inc.'s Reply Brief in Support of its Motion for Summary Judgment on Plaintiff's Claim of Piercing the Corporate Veil dated July 13, 2005, a copy of which is attached to this motion.

In support of its motion, plaintiff states as follows:

1. The reply brief in question was electronically filed on July 13, 2005 and is Document Number 157. For ease of reference a copy of the reply brief is attached as Exhibit A. It was filed in response to a brief of defendant Michael Harbin dated June 28, 2005.
2. At the time of filing the reply brief in question, plaintiff's counsel had inadvertently failed to realize that the brief was filed 15 days after defendant's brief, and

therefore was untimely pursuant to Local Rule 7.2(c) which requires reply briefs to be filed within 14 days.

3. Had plaintiff's counsel been aware that the reply brief was untimely, the present motion for leave to file would have been filed at that time.

4. Plaintiff's counsel offers no excuse for the untimely filing. It was simply inadvertent and the result of a miscalculation of days.

5. Plaintiff believes, however, that the information and authority set forth in the reply brief are relevant to the motions now pending before the Court and would be helpful to the Court in reaching its decision.

6. To the best of plaintiff's belief, the one day delay in filing the reply brief has not inconvenienced the Court in its deliberations and has not prejudiced the defendant.

7. Pursuant to the provisions of Local Rule 7.2(c), "the Court may permit or require further briefing." Accordingly, even in the absence of a timely reply brief, the Court has the discretion to permit the brief in question.

8. For the reasons set forth above, plaintiff requests that the court exercise its discretion and permit the filing of the reply brief.

Pursuant to the provisions of Local Rule 7.1(d), on July 20, 2005, plaintiff's counsel sought concurrence from defendant's counsel regarding this motion, but such concurrence was denied.

A copy of a proposed Order is attached as Exhibit B to this motion.

MILLER JOHNSON
Attorneys for Plaintiff, Steelcase Inc.

Dated: July 20, 2005

By /s/ Jon G. March
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